

# Notice of Allowability

Application No.

10/762,389

Examiner

TISHA D. LEWIS

Applicant(s)

BAASCH ET AL.

Art Unit

3681

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on August 31, 2005.
2. ☒ The allowed claim(s) is/are 14-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

The following is a response to the amendment received on August 31, 2005 which has been entered.

#### ***Response to Amendment***

Claims 14-24 are pending in the application. Claims 1-13 have been cancelled and claim 24 is newly added.

-The objection to the specification has been withdrawn due to applicant correcting a typographical error.

-The objection to claims 12, 19 and 20 are withdrawn due to the cancellation of claim 12 and providing consistency of limitations in claims 19 and 20.

-The 102(b) rejection of claims 12, 21 and 22 has been withdrawn due to the cancellation of claim 12.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

-In claim 14, line 2 and claim 15, line 2, before "(8)", "clearance" has been changed to -displacement space-.

-In claim 15, line 2, before "two axially", "the" has been deleted.

-In claim 15, line 3, before "inner wall", "the" has been deleted.

-In claim 16, line 3, before "front", "the" has been changed to –a-.

-In claim 17, lines 2 and 3, before "outer side" and before "inner side", "the" has been changed to –an-.

-In claim 21, line 2, before "shifting device", "a" has been changed to –said-.

-In claim 22, line 3, before "outer friction cones", "the" has been deleted.

-In claim 23, line 15, after "(11", a parenthesis has been inserted.

***Allowable Subject Matter***

Claims 14-24 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose or render obvious a motivation to provide for:

-(as to claim 23) a gear selector device having a pressure medium pipe with an axially extending pressure hole connected with an axial displacement space on the periphery of the pipe wherein actuation of the selected gear wheel is caused by axial movement of the pipe to position the displacement space in a region corresponding to a supply hole of a transmission shaft in combination with all the remaining limitations of claim 23.

-(as to claim 24) a gear selector device having a hollow axial pressure medium pipe supported in an axial bore of a transmission shaft and having an radial pressure medium hole extending to a periphery of the pipe wherein alignment of the medium hole with a pressure supply hole of the transmission shaft causes actuation of a shifting device in combination with all the remaining limitations of claim 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl  
September 19, 2005

  
**TISHA LEWIS**  
**PRIMARY EXAMINER**  
Au 3681 9/19/05